23. British Gov't. G-5 (1877-1937) 1939 MM3 Hadhramaut MM3

mitted to it by a Magistrate and shall, when so taking cognisance of any offence, follow the procedure prescribed by the Code of Criminal Procedure, 1898, for the trial of warrant cases by Magistrates. 648 671* 692

(b) Save as hereinafter provided, no appeal shall lie from any order of any Sessions Judge.

(c) Trials before the Court of Session may, in the discretion of the Sessions Judge, be without jury or the aid of assessors.

(d) In cases under Regulation IV of 1901, no sentence of death passed by an Assistant Resident shall be carried out unless and until it is confirmed by the Political Resident. 648 671* 681 692

(e) In cases under other acts, no sentence of death passed by any Court shall be carried out unless and until it is confirmed by the Governor of Bombay.

(f) All sentences of imprisonment passed by an Assistant Resident for a term exceeding one year shall be submitted for confirmation to the Political Resident.

In any case in which an Assistant Resident passes a sentence of imprisonment for a term exceeding six months, an appeal shall be to the Political Resident.

No. **388-E.B.**, dated the 1st February, 1907.—In exercise of the powers conferred by the Indian (Foreign Jurisdiction) Order in Council, 1902, the Governor General in Council is pleased to make the following Orders:— Constitution of Criminal Courts. 648 671* 693

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VI.—Orders under Acts of the Governor General in Council.

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No. **1431-I**, dated 27th April, 1893.—Whereas a capital sentence is occasionally passed by a British Court exercising in or with respect to territory beyond the limits of British India jurisdiction which the Governor General in Council has in such territory; and whereas there may be in such territory no secure place for the confinement of a prisoner under sentence of death, or no suitable appliances for his execution in a decent and humane manner; **Execution of capital sentences in British India.**

In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act (XXI of 1879), and of all other powers enabling him in this behalf, the Governor General in Council is pleased to direct as follows:—

1. When any person is sentenced to death by a British Court in the exercise of such jurisdiction as is referred to in the first paragraph of the preamble to this notification, and, in the opinion of the Court, such sentence should for any such reason as is referred to in the second paragraph of the said preamble be executed in British India, the Court shall issue its warrant for such execution to the Superintendent or Keeper of a jail in British India, and shall in such warrant prescribe, as nearly as may be, the place in British India where such Superintendent or Keeper is to cause the execution to be carried out.

2. The jail in British India to which the Court may send its warrant under the provisions of this notification shall be such as the Governor General in Council, or a Local Government authorized by him in this behalf, may by general or special order direct.

3. Every warrant for the execution of a sentence of death to be issued by a Court under the provision of this notification shall be in the form set forth in the schedule hereto annexed.

Schedule.

Form of Warrant.

To

The Superintendent or Keeper of the Jail at
in British India.

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Whereas at a trial held on the day of 189 , at (name of place), in (name of territory), before me A.B. (name of Judge), being the presiding officer of a British Court exercising in (or with respect to) territory beyond the limits of British India, jurisdiction which the Governor General in Council has in such territory, C.D. (name of prisoner) was duly convicted of the offence of culpable homicide amounting to murder and sentenced to suffer death (S and the S to be omitted when sentence said sentence has does not require confirmation been confirmed by E.F. (name of authority).);

And whereas there is in (name of territory) no secure place for the confinement of a prisoner under sentence of death (or no suitable appliances for the execution of a person under sentence of death in a decent and humane manner);

And whereas this Court is of opinion that for the reasons aforesaid the said sentence should be executed in British India;

This is to authorize and require you, the said Superintendent (or Keeper), being a Superintendent (or Keeper) of a jail specified in an order under section 2 of Act No. V of 1893, passed by the Governor General of India in Council, to receive the said C.D. (prisoner's name) into your custody in the said jail together with this warrant, and there him safely to keep until the time hereinafter appointed, and then to carry the said sentence into execution by causing the said C.D. (prisoner's name) to be hanged by the neck until he be dead, at (time and place of execution), and to return this warrant to this Court with an endorsement certifying that the sentence has been executed.

Given under my hand and the seal of the Court, this day of 189 .

Seal.

(Signature)

In Bombay.

No. 4220, dated the 3rd July, 1895.—Whereas in exercise of the powers conferred by section 2 of Act V of 1893 (being an Act to legalise in certain cases the execution, within British India, of capital sentences which have been passed by British Courts exercising in or with respect to territory beyond the limits of British India jurisdiction which the Governor General in Council has in such territory), and in order to give effect to the provisions of the notification by the Government of India in the Political Department, No. 1431-I., dated the 27th April, 1893, the Governor General in Council has been pleased, by letter No. 3080-I., dated 2nd September, 1893, to authorise the Governor of Bombay in Council such Courts may send their warrants for the execution of capital sentences under the provisions of the said Act and notification, and to order the Superintendents of all such jails respectively to execute all sentences of death in respect whereof warrants may be issued to them respectively by any such Courts as aforesaid.

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Now the Governor in Council is pleased, in pursuance of the said authorisation—

(a) to direct that the jail specified in respect of each Court mentioned in the table hereinbelow contained shall be the jail within the territories subject to the jurisdiction of the Governor of Bombay in Council to which such Court may send such warrants as aforesaid; and

(b) to order that the Superintendent of every such jail shall, on receipt of such warrants from a Court hereby authorised to send such warrant to such jail, cause the execution to be carried out therein in the same manner and subject to the same conditions in all respects as if it were a warrant duly issued under the provisions of section 381 of the Code of Criminal Procedure, 1882.

TABLE.

From the Court of the	To the Prison at
Political Resident, Aden,	Aden.
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